

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**STATE OF NEW MEXICO ex rel.
GARY K. KING, ATTORNEY GENERAL,**

Plaintiffs,

No.

v.

**D'ALLENDE MEATS, LLC,
VALLEY MEAT COMPANY, LLC,
RICARDO DE LOS SANTOS, DAIRYLAND
PACKING, LLC and MOUNTAIN VIEW
PACKING, LLC**

Defendants.

NOTICE OF REMOVAL

Defendant D'Allende Meats, LLC, by its attorney, A. Blair Dunn, Esq., hereby gives notice of the removal of the above-captioned matter from the First Judicial District Court in the State of New Mexico to the United States District Court for the District of New Mexico, pursuant to 28 U.S.C. §§ 1443 and 1446. In support thereof, Defendant D'Allende Meats, LLC sets forth the following:

1. Plaintiff filed its original Complaint on December 19, 2013, as civil cause No. D-101-CV-201303197. A copy of the original Complaint is attached hereto as Exhibit B.
2. An Expedited Motion seeking to enjoin non-party D'Allende (a wholly separate Texas company that had acquired Defendant's premises) was filed on December 2, 2014. A copy of the Expedited Motion is attached hereto as Exhibit C.

3. This Notice of Removal is filed in this Court within 30 days of the Defendant's initial receipt of service of pleadings in the case. *See* 28 U.S.C. § 1446(b). The state court in which this action was commenced is within this Court's district.

4. Therefore, this action is properly removed to this Court, pursuant to 28 U.S.C. §§ 1443 and 1446. *See Murphy Bros., Inc., v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354-56 (1999) (30-day period for removal does not begin to run until defendant is served with complaint).

5. Plaintiffs' Complaint alleges that Defendants Valley Meat Company, LLC, and Ricardo De Los Santos is a New Mexico business entity and New Mexico citizen that do business in New Mexico, and Plaintiff's Expedited Motion complains that Defendant D'Allende Meats, LLC is shell company of Valley Meat Company, LLC. Defendant D'Allende Meats, LLC is not a shell company of Valley Meat Company, LLC nor vice versa. In fact, D'Allende is a wholly separate Texas Limited Liability Company seeking to engage in interstate commerce and in the pursuit of Federal permits pursuant to the Federal Meat Inspection Act to operate a New Mexico facility it acquired that was previously owned by Valley Meat Company, LLC. Plaintiff is the State of New Mexico for purposes of jurisdiction and is a governmental unit thereof.

6. Plaintiffs' Complaint and Expedited Motion attempts to discriminate against a company from another state and interfere with the company's activities seeking to engage in interstate commerce and seeking the necessary federal agency permissions to do so. Such an action is taken as a state government official in violation of the Civil Rights Act of 1871, 42 U.S.C 1983 by depriving D'Allende of the quiet

lawful enjoyment of its property.

7. The only action taken against D'Allende in the state district court has been the filing of the Expedited Motion.

8. In accordance with 28 U.S.C. § 1446(d), copies of this Notice of Removal have been served on counsel for Plaintiffs and filed with the Clerk of the First Judicial District Court for the State of New Mexico.

Respectfully submitted,

By /s/ A. Blair Dunn, Esq.
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Counsel for D'Allende Meats, LLC
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CERTIFICATE OF SERVICE

I certify service of a true copy of the foregoing was mailed on December 4, 2014 with sufficient postage to counsel of record as follows:

GARY K. KING
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Ari Biernoff
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Respectfully submitted,

By /s/ A. Blair Dunn, Esq.